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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,974	04/26/2001	Richard J. Skalla SR.	915	9798

7590

02/20/2002

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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 02/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,974

Applicant(s)

SKALLA, RICHARD J.

Examiner

Sebastiano Passaniti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001 and 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 27 August 2001 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

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DETAILED ACTION

This Office action is responsive to communication received 04/26/2001 – Information Disclosure Statement (IDS); 08/27/01 – Drawing corrections.

Claims 1-9 are pending.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Parrish. As to claim 1, note elongated handle (1), club head (3) first and second side ridges (5) and a center bridge or main body (4). As to claim 2, the side ridges (5) are symmetric with respect to each other. As to claim 6, the center bridge or main body is located along and between upper curved portions of the side ridges. As to claim 7, Figure 3 shows that the lower edge of the main body is disposed upwardly from a planar ground surface a distance equal to just slightly greater than the radius of a golf ball. A regulation golf ball is approximately 1.680 inches in diameter (radius of 0.84 inch). Applicant requires a vertical offset of approximately 7/8 inch (0.875 inch). It would appear that Parrish clearly shows a vertical offset of the main central body member of approximately 0.875 inch.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish in view of Taylor. To have modified the device in the cited art reference to Parrish by including a shaft with a cantilevered angled attachment that is received within an orifice in the head in order to be able to more easily change the lie angle of the shaft would have been obvious in view of the patent to Taylor which shows it to be old in the art to provide an elongated shaft (12) with a curved or cantilevered end piece (26) fitted within a receiving hole in the head (Figures 1, 5, 6) such that the alignment of the head, shaft and target is simplified at address. See col. 2, lines 30-38 and col. 4, lines 17-39 in Taylor.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hilton. As broadly as claimed, Hilton shows a first and second side ridge (opposite faces) along with a bridge (the central body member). The first and second side ridges are symmetric and appear to generally have an ellipsoidal upper curvature and a generally rounded trapezoidal lower surface.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark. See Figure 2 wherein faces (12) provide for first and second side ridges. Main body portion (8) serves as the claimed center bridge.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark. Applicant's claimed distinction over the shape of the face portions (12) in Clark is deemed to merely be an obvious variation in design choice. The applicant has noted

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that the shape of the side ridges allows the putter to slide easily over a surface.

Similarly, the Clark device includes a lower surface shape which would naturally enable the putter to slide across a surface upon which it is rested. The upper surface of the putter in Clark is merely shaped to compliment the overall design of the head. There would not appear to be any purpose or unobvious reason for the claimed ellipsoidal upper curvature required by claim 3.

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7-07-02

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of ^{Drake} Drake. Considering that a length of about 4 inches is common for putters as shown by Drake and further considering that the applicant has failed to detail the significance of the claimed 4-7/16 inches, it would appear that the skilled artisan would have found it obvious to modify the Clark device to include a length of 4-7/16 inches not only to make the putter user-friendly and easier to handle, but also to design the putter with a size that is somewhat familiar to the average golfer. For example, a putter having a length of 12 inches would not only be cumbersome to handle, but would also be difficult if not impossible to use during a regulation game of golf.

Claim 3 is objected to because of the following informalities: The term "elipsisoidal" should read --ellipsoidal--. Appropriate correction is required.

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 08/27/01 has been received.

The proposed drawing correction filed on 08/27/01 has been disapproved because it is not in the form of a pen-and-ink sketch showing changes in red ink or with the changes otherwise highlighted. See MPEP § 608.02(v).

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The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 08/27/01 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of a bridge member shaped as an extended portion of the side ridges such that the side ridges no longer appear to be diverse elements. In other words, one of ordinary skill in the art, looking at the originally filed drawings and interpreting the originally filed specification and claims would have interpreted the "center bridge" member (22) to be a distinct part connecting a first and second side ridge. Redefining the center bridge as outlined in the drawings of 08/27/01 is not commensurate with any suggested design variations in any one of the original specification, claims, or drawings.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Allport and Roth show putter-style clubs moved in a shuffleboard cue-like fashion. Swardlick shows a shuffleboard cue of interest. Note the manner in which the putters in Hodge, Wozniak and Scalf are used. Long, Pehoski and Solheim show putters having opposite faces that are "bridged" by a central member there between. See Figure 5 in Maxwell. Swan and Fine show putters of interest. See Figure 3 in Sloan. See Figure 3 in Jacobson.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 703-308-1006. The examiner can normally be reached on Mon-Fri (6:30-3:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on 703-308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Sebastiano Passaniti
Primary Examiner
Art Unit 3711

S.Passaniti/sp
February 7, 2002

Attachment for PTO-948 (Rev. 03/01, or earlier)

6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.